

35.C11250 CI



PATENT APPLICATION

#15/ftr re:
Abandonment
J flood
10/29/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MANABU KATO) : Examiner: D. Schuberg
Application No.: 08/951,635) : Group Art Unit: 2872
Filed: October 17, 1997) :
For: SCANNING OPTICAL)
APPARATUS :
The Assistant Commissioner for Patents
Washington, D.C. 20231

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NOV 02 1998
October 30, 1998 GROUP 2100

REQUEST FOR WITHDRAWAL OF
ERRONEOUSLY ISSUED NOTICE OF ABANDONMENT

Sir:

Applicant has received from the U.S. Patent and Trademark Office ("PTO") an erroneous Notice of Abandonment, dated October 13, 1998, in the above-referenced application. The Notice, copy attached, indicates a failure to timely pay the issue fee. Applicant requests the Examiner to withdraw this erroneous Notice for the following reasons:

1. On August 24, 1998, the issue fee due date, Applicant filed a Continued Prosecution Application (CPA) Request Transmittal, rather than paying the issue fee. Enclosed is a re-executed copy of the CPA, along with a copy of the stamped postcard received from the PTO verifying the filing of the CPA on August 24, 1998.
2. Since the CPA request was filed on the issue fee due date, the subject application should not have been abandoned. Accordingly, Applicant requests

that the Notice of Abandonment be withdrawn and that the subject application be returned to pending status. Applicant also requests consideration of the Preliminary Amendment and the Letter Transmitting Corrected Drawings filed on September 16, 1998.

3. Applicant believes that no fee is due in connection with the filing of this paper. Nevertheless, the Assistant Commissioner is authorized to charge any required fee to deposit account number 06-1205. A duplicate of this paper is submitted for that purpose.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 37689

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

F508\W168552\SWO\bj

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OCT 22 1998



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER

PATENT FILING DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO.

08/951,635 10/17/97

KATO

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NEW YORK NY 10112-3801

SWD
m/12/98 CT
err. G. Brand -
CPA Recd

EXAMINER

SCHUBERG E. A.

ART UNIT

PAPER NUMBER

2872 14

DATE MAILED:

10/13/98

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on _____.

A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

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Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

The proposed new formal drawings filed _____ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

Diane Terry
Allowed Files Branch
703-305-8203

Assistant Commissioner for Patents
Washington, D.C. 20231

Date 8/24/95
Mo. Day Yr.

Atty. Docket 55-C11250CI
CPA of 03/95-1 C35

Sir:

Kindly acknowledge receipt of the accompanying:

Specifications, claims and abstract _____ pages, with Transmittal Form
 Oath or Declaration and Power of Attorney Executed Not Executed
 _____ Sheets of _____ formal _____ informal drawings
 Check for \$ 1196.00 (filing fee)
 Small entity declaration
 Assignment, PTO-1595 and Check for \$ _____
 Transmittal Under 37 CFR 1.53(d) (CPA)
 Petition under 37 CFR 1.136 and check for \$ _____
 Other (specify)

by placing your receiving date stamp hereon and mailing or returning to deliverer.
This is a Continuation Divisional Continuation-In-Part

Atty. SWO/J

Due Date 8/24/95
Mo. Day Yr.

37 CFR 1.8
37 CFR 1.10
By Hand



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